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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,840	03/08/2004	Michael T. Christen	CHRI-013	2481

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,840

Applicant(s)

CHRISTEN ET AL.

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/08/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-17 are pending in the instant application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate both a "U-shaped base member" in Fig. 4 and a "Stop member" in Fig 5. Additionally reference character "50" has been used to designate both a "Support Bed" in Fig. 5 and a "Front Structure" as seen in Fig. 5. Furthermore, reference character "52" has been used to designate both a "Stop Member" as seen in Fig. 1 as well as a "Front structure support member" as seen in Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bed support

members" which detail the third and the fourth width must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what "support members" are referred to in the above-mentioned claims for measuring the distances for the third and fourth width. Additionally, the drawing and specification do not disclose or illustrate the support members or the third and fourth widths of the support bed. Furthermore claim 10 is dependent on claim 9, which is not understood and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt (5224569) in view of Hewitt (6612775).

Referring to claims 1-4. Hewitt discloses a "Boat Lift With Articulating Arm" as claimed. See Figs 1-11 and respective portions of the specification. Hewitt further discloses a lift system (2), comprising; a base structure (6); a plurality of lifting jacks (46)

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pivotally attached to the base structure, with the jacks comprised of a plurality of front lifting jacks and at least one rear lifting jack; a support bed (8) pivotally attached to the lifting jacks opposite of the base structure in a cantilever manner; a front structure extending upwardly from the base structure; an elevating unit (9) attached to the front structure for manipulating the lifting jacks from a lowered to a raised position (See Figs. 1-2). Hewitt (5224569) does not disclose wherein the support bed (8) has a first width that is at least 20 percent less than a second width of the base structure. Hewitt (6612775) discloses a "Hydraulic Watercraft Lift" as claimed. See Figs. 1-5 and respective portions of the specification. Hewitt (6612775) further discloses a support bed (12) pivotally attached to lifting jacks (18) wherein the support bed (12) has a first width that is at least 20 percent less than a second width of the base structure (16) (See Figs. 1-3). Hewitt (6612775) discloses a first width that is narrower in diameter than the second width of the base structure. While the dimensions of Hewitt are not specifically disclosed, the claimed dimensions can be reasonably inferred from the reference, based on typical dimensions for watercraft and the like which are disclosed as used with Hewitt's apparatus. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Hewitt (5224569) to include the teachings of Hewitt (6612775) so that the support bed could be sized approximately 43 inches to support various sized pontoons but smaller in diameter than the base structure which is wider approximately 60 inches to support the lift system.

Referring to claim 5. Hewitt discloses wherein the lifting jacks each are comprised of an inverted U-shaped base member (57) and a pair of support members (58,60) extending upwardly from the base member (36)(See Fig. 1).

Referring to claim 11. Hewitt discloses wherein the lifting jacks (46) include at least one support cross member (62) member between the support members (58,60) (See Fig. 1).

Referring to claim 12. Hewitt discloses wherein the rear-lifting jack includes a pair of angled members (64) extending between the support cross member and support members.

Referring to claim 13. Hewitt does not discloses wherein the support bed includes a rear tapered portion that taper inwardly for assisting in loading of a pontoon. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Hewitt to include a rear tapered of the support bed so that objects (boats) that narrowed in size in the front could loaded and supported more easily.

Referring to claim 14. Hewitt discloses wherein the lifting jacks are pivotally attached to corresponding cross members (62) that extend between a pair of side members (22,23) of the base structure (See Fig. 1).

Referring to claims 15-16. Hewitt discloses wherein the lifting jacks are pivotally attached to bed cross members (56) that extend between a pair of rails (80,81) of the support bed (8).

Referring to claim 17, Hewitt disclose wherein the front structure (26) includes a pair of front support members (52) attached to the base structure. Hewitt does not disclose that the front support member (52) is attached to a cross member of the support structure. It would have been obvious to a person of ordinary skill in the art at the time of the invention could be modified so that the support member could be attached to cross member of the support so that the base structure was provided with more strength which would make it more durable over time during the course of operation of raising and lowering objects.

Conclusion

It should be understood that failure to provide prior art to reject claims 6-10 should no be construed as an indication of allowable subject matter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heilman (6241048) discloses a "Storage Platform and Lift" comprising a base structure, a support bed, and an elevating unit.

Basta (6837651) discloses a "Gravity Watercraft Lift" comprising a base structure, a support bed, a jack, and an elevating unit.

Non-Patent Literature (Harbor-Master.com) discloses a pontoon lift system comprising a base structure, a support bed, angled support members, U-shaped

support members, an elevating unit, a front structure, and front structure support members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM



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